

**EXHIBIT 9**

**July 15, 2021 Email String**

## Gary Miotke

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**From:** Fosmire, M. Sean <Sean.Fosmire@kitch.com>  
**Sent:** Thursday, July 15, 2021 4:39 PM  
**To:** Gary Miotke  
**Cc:** 'Lauri Stewart'  
**Subject:** Re: Cullen v St. Ignace

It just seems that June 25 was a long time ago...

M. Sean Fosmire  
[sean.fosmire@kitch.com](mailto:sean.fosmire@kitch.com)

**From:** Gary Miotke <[gmiotke@miotkelawoffice.com](mailto:gmiotke@miotkelawoffice.com)>  
**Sent:** Thursday, July 15, 2021 4:28 PM  
**To:** Fosmire, M. Sean <[Sean.Fosmire@kitch.com](mailto:Sean.Fosmire@kitch.com)>  
**Cc:** 'Lauri Stewart' <[LStewart@kerr-russell.com](mailto:LStewart@kerr-russell.com)>  
**Subject:** RE: Cullen v St. Ignace

Sean:

While I appreciate your courteous offer, it should be unnecessary.

FRCP 15(a)(1)(B) states in pertinent part (with relevant text highlighted):

**(a) Amendments Before Trial.**

**(1) Amending as a Matter of Course.** A party may amend its pleading once as a matter of course within:

**(A)** 21 days after serving it, or

**(B)** if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

Since the original Complaint was a pleading "to which a responsive pleadings is required", my clients had the right to amend it once as a matter of course 21 days after service of a responsive pleading.

Further, since you filed the City Defendants' responsive pleadings 20 days ago on June 25, 2021, my clients had the right to file the Amended Complaint on or before tomorrow.

Of course, if I have missed something, please let me know.

Otherwise, I look forward to your responsive pleadings to the Amended Complaint within 21 days unless you need more time.

If you need more time, please advise since Judge Jarbou does not appear to be inclined to allow counsel to grant extensions without a stipulated order. Certainly, I would have no problem with a reasonable extension and would agree to a stipulated order to that effect.

Very truly yours,

GARY T. MIOTKE  
Attorney at Law  
6828 Park Avenue

**EXHIBIT 9**

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**From:** Fosmire, M. Sean [<mailto:Sean.Fosmire@kitch.com>]  
**Sent:** Thursday, July 15, 2021 3:46 PM  
**To:** Gary Miotke  
**Cc:** 'Lauri Stewart'  
**Subject:** Cullen v St. Ignace

I note the filing of the amended complaint but there was no motion/order and no stipulation. I will agree to sign a stipulation, even after the fact.

M. Sean Fosmire  
[sean.fosmire@kitch.com](mailto:sean.fosmire@kitch.com)